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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**



I hereby certify that this paper in triplicate, is being deposited with the United States Postal Service First Class Mail service on the date indicated below, addressed to the Mail Stop Appeal Brief-Patents, Director and Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the 16th day of September, 2005.

  
Dennis F. Armijo, Registration No. 34,116

In the Application of  
John S. Cunningham, et al.,

Serial Number:	09/460,197
Filed:	December 13, 1999
For:	Multiple and Hybrid Graphics Display Types
Examiner:	Kevin M. Nguyen
Art Unit:	2674
Attorney Docket Number:	A65-25311

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**PETITION TO COMPEL**

To: Mail Stop Appeal Brief Patents  
Director and Commissioner of Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Honorable Director and Commissioner for Patents:

The applicants herein respectfully request that the Examiner in this action be compelled to file his response brief pursuant to MPEP § 1208 and 37 CFR 1.193. The applicants in this matter filed a second request for reinstatement of the appeal on March 8, 2005, as required by the Rules. A copy of the auto reply facsimile

transmission is attached and labeled Exhibit "A". Pursuant to MPEP § 1208 and 37 CFR 1.193, the Examiner had two (2) months after receipt of the brief to provide an answer. As can be seen, it has been more than six (6) months, yet no answer has been propounded. Further, it should be noted that this is not the first time that this Examiner has been late in providing timely responses in this matter. The original appeal was filed on August 28, 2003. Thereafter a timely appeal brief was filed by the applicants on October 23, 2003. On January 15, 2004, the prosecution was reopened and the new ground for rejection was provided. On April 13, 2004, the applicants filed a timely supplemental appeal brief and a request for reinstatement of the appeal. A copy of the auto facsimile transmission for these documents is attached as labeled Exhibit "B". On December 16, 2004, eight (8) months after the applicants' reinstatement of the appeal, another non-final action was submitted, thereby, reopening the prosecution and stating a new ground of rejection. The applicants again filed a timely supplemental appeal brief and request for reinstatement of the appeal on March 8, 2005, as previously stated. The applicants have been severely prejudiced by the inaction of the Examiner in this matter, and thus are requesting the commissioner to compel the Examiner to finally answer the applicant's brief as required.

The Commissioner is authorized to charge any fees or credit any over payment under 37 CFR §§ 1.16 and 1.17 which may be required during the entire pendency of the application to Deposit Account No. 01-1125.

Respectfully submitted:

JOHN SPENCER CUNNINGHAM, ET AL.,

A handwritten signature in black ink, appearing to read 'D. Armijo', is written over a horizontal line.

Dennis F. Armijo, Reg. No. 34.116  
Attorney for Applicants  
(505) 899-0269

**CORRESPONDENCE ADDRESS:**

Honeywell International, Inc.  
Law Dept. AB2, PO Box 2245  
Morristown, NJ 07962-9806

Dated: September 16, 2005

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In re the Application of: Cunningham et al.

Serial No.: 09/460,197 Art Unit: 2674

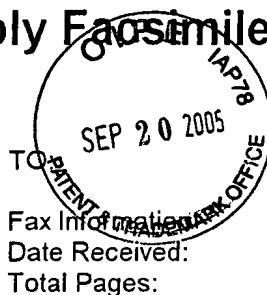
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For: MULTIPLE AND HYBRID DISPLAY TYPES

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H25311

In re the Application of: JOHN SPENCER CUNNINGHAM ET AL.

Serial No.: 09/460,197 Art Unit: 2674

Filed: 12/13/1999 Examiner: NGUYEN, KEVIN M.

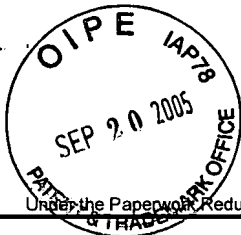
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REQUEST FOR REINSTATEMENT OF THE APPEAL

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EXHIBIT "B"



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Attorney Docket No. H25311  
09/460,197 Art Unit 2674

Registration Number, if applicable

(505) 899-0269

Telephone Number

In Re: Application of Cunningham, et al.,  
Serial No: 09/460,197 Art Unit: 2674  
Filed: 12/13/99 Examiner: Nguyen, Kevin M  
For: MULTIPLE AND HYBRID DISPLAY TYPES

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This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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